

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SHARON FLOWERS, Individually
and On Behalf of All Others
Similarly Situated,

Plaintiff,

C.A. NO. 4:11-cv-01235

v.

MGTI, LLC a/k/a MO'S
STEAKHOUSE, NARF HOU, LLC
a/k/a MO'S A PLACE FOR
STEAKS, and JOHN A. VASSALLO,

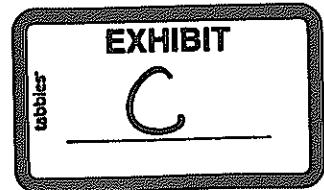
Defendants.

JURY TRIAL DEMANDED

AFFIDAVIT OF SHARON FLOWERS

I, Sharon Flowers, declare:

1. I am over the age of eighteen (18) years, am of sound mind, and otherwise qualified to make this affidavit. I have personal knowledge of each and every fact contained in this affidavit, and all such matters are true and correct. If sworn as a witness, I will testify competently to all of the facts contained herein.
2. I am a former employee of Narf Hou, LLC a/k/a Mo's A Place for Steaks and John A. Vassallo (collectively referred to as "Defendants"). Defendants operate high end restaurants in Houston, Texas and Milwaukee, Wisconsin.
3. Defendants employed me as a waitress from November 2008 to April 2011. My schedule varied in a sense that while the restaurant was open from Monday through Saturday, 4:00 p.m. to 1:00 a.m. or 2:00 a.m. in the morning, I usually arrived at work at 2:00 p.m. and would immediately start to prepare for the night, including cleaning the glasses and tables. At the end of my shift, I would continue cleaning the tables and glasses as well as fold napkins. I would leave at approximately



1:00 a.m. or 2:00 a.m.; sometimes, I remained until after closing, such as 3:00 a.m. I typically worked five to six shifts per week.

4. During my employment, I became familiar with the restaurant's pay and scheduling practices as they apply to the wait staff, including waiters, expo, and bartenders.
5. Although I was not waiting tables from 2:00 p.m. to 4:00 p.m. during my shift, my rate of pay was noted as \$3.13 per hour. I reported my tips and the restaurant's theory was that if I was making money in tips, which I turned in at the end of every shift, then they should not have to pay me for much else. In particular, on the majority of my checks that I received my net pay was \$0.00. Additionally, I was compelled to attend staff and other meetings on Saturdays, but I was not paid for attending.
6. Defendants also made deductions from my wages. For example, I was required to pay for "expo" (the employee that states whether the food is ready), even when an expo was not in attendance at work and the busboys. Further, I was charged for inaccurate food orders under the theory that Defendants should not have to pay for my "negligence". I also had to pay for my uniforms, vests, apron, and pens. They charged me for more than the cost of my uniforms. Defendants also deducted servers' pay for glass breakage and walked tabs (when the patrons or customers would leave without paying for their bill). The charges or deductions are reflected in my chit sheets, sheets that demonstrate that I clocked in and out and the amounts taken out of my earnings for each shift.
7. I worked a lot of hours, including private parties for John Vassallo, but I was not paid for them, even though I clocked in and out.
8. I worked approximately fifty (50) hours or more per week.
9. At no point during my employment with Defendants was I paid all of my overtime at a rate of one and one-half times my regular rate for all hours worked over forty (40) hours. I was also not paid for pre-shift and post-shift work such as cleaning glasses and utensils, folding napkins, and preparing for the shift to begin or end.
10. Based on my experience working for Defendants since December 2008, it is my firm belief that the above-described pay practices are used for all employees working as wait staff. Such individuals may also be interested in joining a lawsuit against Defendants in order to recover unpaid wages and unpaid overtime wages.

11. The following employees worked as a part of the wait staff for Defendants and had the same or similar duties as me:

- a. Heather Maclean
- b. Morgan Goen
- c. Allison Kidd
- d. Maria Godinez
- e. Natalie Marisol
- f. Mary Whitehead
- g. Sarah (last name unknown)
- h. Tacquoria (last name unknown)
- i. Danielle (last name unknown)
- j. Louisa (last name unknown)
- k. Brandy Maclean

12. Like me, I believe that the individuals listed above is or was not being paid overtime at a rate of one and one-half times their regular rate for hours worked over forty. As such, they may be interested in joining lawsuit to recover unpaid wages and unpaid overtime wages since they were paid in the same manner as I was paid and performed the same duties.

I declare under penalty of perjury that the foregoing is true and correct.

Sharon Flowers
Sharon Flowers
Affiant

State of Texas §
 §
County of Harris §

SWORN to and SUBSCRIBED before me this 17th day of January in
the year 2012.

Kristina M. Blanco
Notary Public
State of Texas

